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TO: Daron Haddock, Permit Supervisor

FROM:  Priscilla Burton, Reclamation Specialist

RE: Disposition of Stipulations to permit ACT/O15/O32. Genwal Coal Co. Emery County. Utah. Folder #2.

SUMMARY:


At your request, I have researched the responses to stipulations placed on the 4/22/91 permit issued to Genwal Coal Co.

Responses to the stipulations are located in Chapter 14 which was the proposal received to include Leases ML-21568 and ML-21-569 into the Crandall Canyon Mining and Reclamation Plan. The initial proposal was received in 1990 and was given the designation 90-2, due to its Significant Revision status.

REVIEW:

Three permit reviewers identified three areas of deficiency with the significant revision. D. Darby requested information on the angle of draw and protection of Blind and Crandall Canyon streams. S. Falvey requested a seep and spring survey and mitigation plans for affected water users. P. Burton requested information concerning the proposed location for temporary and permanent excess spoil and coal mine waste storage. Permit Attachment A is included with this report for reference of the exact wording of the permit conditions.

After permit issuance on 4/22/91, the responses to the stipulations on the Significant Revision were referred to as amendment 91-C to the approved plan. Responses were received on several dates including 6/21/91, 7/24/91, and 8/2/91.

In November of 1991, these revisions were referred to as Amendment 91- in a letter 8/7/91 and again in a letter 11/22/91. (U.S. Forest Service comments were received in a letter dated (8/21/91.)

D. Darby's concerns were not adequately addressed and enforcement action was taken in the form of N.O.V. 91-13-1-1. On December 20, 1991, the Division received a revised Chapter

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14 which was in response to N.O.V. 91-13-1-1. (State Lands and Forestry responded to this issue of Chapter 14 in a document dated 12/31/91.)

Issues related to this violation were later written into Division Orders 92-A Proposed Mine Sequence Changes (3/27/92) and Amendment 92-C Incidental Boundary Changes received 4/10/92. The Division Order was to have been adequately addressed by 5/18/92. A copy of Chapter 14 was received in response to the Division Order on 5/15/92.

CONCLUSIONS:

Amendment 91-D, Chapter 14, did not receive approval.

Stipulations R614-301-525 DWD #1 and #2 have become Division Order 92A and Amendment 92C to the plan. A third revision of Chapter 14 was received on 5/15/92 and has not received approval.

I believe that stipulations R614-301-700 #2 and R614-301-734.200 #1 were satisfactorily resolved through ongoing surveys of Crandall and Blind Canyon flows, the submittal of a Seep and Spring Survey, development of additional drill holes for monitoring within the mine, and submittal of mitigation plans in Chapter 14. However, S. Falvey should be consulted concerning the adequacy of response to these stipulations and stipulation R614-301-727.

Stipulations R614-301-528.322 #1, R614-301-535.100 #1 were satisfactorily addressed. R614-301-536 #1 PB, a request for the submittal of *"...a detailed set of plans for the location, installation, operation and reclamation of a coal mining waste disposal facility..."* was never satisfactorily resolved and remains outstanding. The permittee has committed to contact the Division regarding the disposal of waste when and if this becomes necessary. No Disposal site is identified by name, although the use of a DOGM licensed disposal site is mentioned (pages 14-6, 14-7 and 14-8 of the MRP, submitted 5/15/92).

xc: J Smith
Bteam Reader File

DISPOSITION

ATTACHMENT "A"

Stipulations

Genwal Coal Company

Federal Coal Leases ML-21568 and ML-21569

April 22, 1991

Stipulation R614-301-525 DWD

The applicant will not be allowed to conduct mining operations which will influence or project disturbance of landuse or surface features on U.S. Forest Service lands. The applicant will be restricted to conduct no subsidence mining operations within an angle-of-draw established at 30 degrees, from the boundaries of State Leases ML-21568 and 21569, until the Regulatory Authority either receives a letter from the Manti-Lasal National Forest granting permission to encroach on their boundaries or by receiving geotechnical data from Genwal that will allow mining at a lesser angle-of-draw.

1. The applicant will be required to develop a mine map that reflects a no mining area within a 30 degree angle-of-draw, horizontal, other than developing main entries with no second or retreat mining, along the boundaries between the State Leases and Forest Service lands. The applicant will be required to submit the map within 60 days of permit approval which identifies the no mining area.

The applicant has not identified measures to protect the stream channel in Blind Canyon, and Crandall Canyon from subsidence. The Forest Service have established water rights along the stream channel which should be protected. The applicant will be required to maintain surface configuration by retaining support pillars along the stream channel buffer zone. The buffer zone will be establish at a 30 degree angle-of draw and no secondary mining will take place in the buffer zone, until the applicant submits sufficient information to show that subsidence of those areas will not occur.

2. The applicant must submit a map and plans to protect those portions of Blind Canyon and Crandall Canyon stream channels which lie within the state leases. The applicant will be required to submit the map within 60 days of permit approval.

Stipulation R614-301-528.332 PB

1. Within 60 days of permit approval, Genwal Coal Co. must amend the Mining and Reclamation Plan to provide for the disposal of hazardous waste in an approved facility.

Stipulation R614-301-535.100 PB

1. Within 60 days of permit approval, Genwal Coal Co. must develop a plan for the disposal of excess spoil within a permitted area. For further details see stipulation below under R614-301-536.

Stipulation R614-301-536-PB

1. Within 60 days of permit approval, Genwal Coal Co. must develop a plan for the disposal of coal mine waste within a permitted area. The operator shall submit to the Division a detailed set of plans for the location, installation, operation and reclamation of a coal mining waste disposal facility. This submittal will follow the review and public notice requirements for an amendment to the Mining and Reclamation Plan.

No temporary or permanent disposal of coal mining waste material shall be made by the Operator, until the above modifications are approved and finalized, with the exception of the underground storage of underground development waste.

Stipulations R614-301-700-SF

The Applicant has not sufficiently demonstrated hydro-geologic connection between the Trail Mountain area and the proposed site. Although the applicant has submitted additional hydrologic and geologic information it is not provided in the application package.

2. The applicant shall submit information showing that the hydro-geology of the lease area is the same as that described. The applicant shall submit the seep and spring inventory as part of the Mining and Reclamation Plan other than a separate document.

Stipulation R614-301-724.200-SF

1. The applicant shall include a monitoring regime for Horse Creek tributary, and information characterizing seasonal regime and flow classification of upper Crandall Canyon.

Stipulation R614-301-727-SF

The applicant will amend the permit to include measures to be taken to protect or replace all potentially affected pre-mining water uses.